

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

PRIMO'S RESTAURANT,

Plaintiff,

v.

MICHAEL CHERTOFF, as Secretary of the  
Department of Homeland Security;  
DR. EMILIO GONZALEZ, as Director of  
U.S. Citizenship & Immigration Services;  
Paul NOVAK, as Center Director of the U.S.  
Citizenship & Immigration Services for the  
Vermont Service Center,<sup>1</sup>

Defendants.

**Civil Action No. 04-12162-NG**

**STIPULATION OF DISMISSAL**

Pursuant to Fed. R. Civ. P. 41(a)(1)(ii) the parties in the above-captioned action hereby stipulate to the dismissal of this action. Each party to bear its own attorneys' fees and costs.

Respectfully submitted,

For the Plaintiff,

PRIMO'S RESTAURANT,

For the Defendants,

DEPARTMENT OF HOMELAND  
SECURITY, ET AL.,

MICHAEL K. LOUCKS  
Acting United States Attorney

/s/ Desmond Fitzgerald (By: APG) 10/12/2006

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By: /s/ Anton P. Giedt 10/12/2006

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<sup>1</sup> During the course of this action, a number of the Defendants, sued in their official capacity, have changed. Pursuant to Fed. R. Civ. P. 25(d)(1), the names of these officers' successors are automatically substituted as a party.

**CERTIFICATE OF SERVICE**

Suffolk, ss.

Boston, Massachusetts  
DATE: October 12, 2006

I, Anton P. Giedt, Assistant U.S. Attorney, do hereby certify that I have this day served a copy of the foregoing upon the Plaintiff 's counsel of record through electronic filing.

/s/ Anton P. Giedt  
Anton P. Giedt  
Assistant U.S. Attorney

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